

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ENGIDASHET W. GEBRE,

Plaintiff,

v.

CONDOLLEEZA RICE,
as Secretary of State, and
DEPARTMENT OF STATE,

Defendants.

Civil Action No. 05-11321-WGY

**PARTIES' JOINT STATEMENT
IN ACCORDANCE WITH LOCAL RULE 16.1(D)**

Plaintiff and Defendant hereby submit the following joint statement regarding pre-trial scheduling.

Plaintiff, Engidashet W. Gebre, an Ethiopian national, filed a complaint in this Court on June 23, 2005, to compel the issuance of an immigrant visa to his wife, Tiringo T. Tegebelu, on the basis of the immigrant Diversity Visa program which is administered by the Department of State. Plaintiff was issued an immigrant visa as a Diversity applicant on August 20, 2002, pursuant to the diversity visa lottery program for the year 2002. At that time Tiringo T. Tegebelu appeared with him and applied for an immigrant Diversity Visa as his spouse. Her application was denied, and he is requesting a mandamous order to issue an immigrant visa to her now.

Plaintiff contends that his wife's Immigrant Visa application was processed correctly on the same day, and therefore, his wife's Immigrant Visa should have been granted. The government asserts that there was no error in denying an Immigrant Visa to Plaintiff's spouse,

and that Plaintiff's wife is procedurally barred from entering the United States under the Diversity Visa program.

1. **Automatic Disclosure Pursuant to Local Rule 26.2(A)**

This case seeks review of a final agency action based on the agency's administrative record. The administrative record for the administrative proceedings is being compiled by the Department of State and will be made available to Plaintiff's counsel by December 21, 2005.

2. **Joint Discovery Plan**

This case seeks review of a final agency action based on the agency's administrative record and is not expected to require traditional discovery. The case is likely to involve motion practice and may eventually be disposed of on a Motion to Dismiss or for Summary Judgment. Therefore, the Defendants believe that discovery is not necessary at this time. However, each party reserves the right to file a motion with the Court to request discovery if they believe discovery is warranted.

3. **Proposed Procedural and Motion Schedule**

December 21, 2005	Department of State administrative record made available to Plaintiff's counsel.
January 30, 2006	Plaintiff's Motion for Discovery filed.
March 3, 2006	Defendants' Opposition and Reply filed. Oral argument and/or hearings at the Court's discretion.
April 7, 2006	Defendant's Motion to Dismiss and/or for Summary Judgment filed.
May 5, 2006	Plaintiff's Opposition and Cross-Motion for Summary Judgment filed. Oral argument and/or hearings at the Court's discretion.

4. Certification of Budget and ADR Conference

Plaintiff

Plaintiffs' counsel certifies that he has conferred with the plaintiff: (1) with a view toward establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and (2) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Defendants

Defendants' counsel certifies that he has conferred with an authorized representative of the defendant: (1) with a view toward establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and (2) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

The certification of all parties and their respective counsels are in the process of being obtained.

5. Settlement Proposals

There are no settlement proposals pending at this time. However, the parties are exploring the availability of alternative programs and procedures to facilitate the entry of Plaintiff's spouse to the United States.

Respectfully submitted,

For the Plaintiff,

ENGIDASHET W. GEBRE

For the Defendant,

DEPARTMENT OF STATE

MICHAEL J. SULLIVAN
United States Attorney

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DATED: November 14, 2005

DATED: November 14, 2005

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
DATE: November 14, 2005

I, Anton P. Giedt, Assistant U.S. Attorney, do hereby certify that I have this day served a copy of the foregoing upon the Plaintiff's counsel of record electronically.

/s/ Anton P. Giedt

Anton P. Giedt

Assistant U.S. Attorney

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